# IN THE UNITED STATES DISTRICT COURT
## FOR THE EASTERN DISTRICT OF TEXAS
## TYLER DIVISION

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| GEORGE MARION, | § § § § § § § § § § § | |
| Plaintiff, | | |
| v. | | CIVIL ACTION NO. 6:13-CV-855-RC-JDL |
| LORIE DAVIS, DIRECTOR, TDCJ-CID; | | |
| Defendant. | | |

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| COREY A BURLEY, | § § § § § § § § § § § | |
| Plaintiff, | | |
| v. | | CIVIL ACTION NO. 6:13-CV-601-RC-KNM |
| LORIE DAVIS - DIRECTOR TDCJ-CID, | | |
| Defendant. | | |

## ORDER ADOPTING REPORT AND RECOMMENDATION OF
## UNITED STATES MAGISTRATE JUDGE

The above civil action styled as *Marion v. Davis, Director, TDCJ-CID* was referred to

United States Magistrate Judge John D. Love, and the above civil action styled as *Burley v.*

*Davis – Director TDCJ-CID* was referred to United States Magistrate Judge K. Nicole Mitchell.

In September 2015, the Court stayed and administratively closed this case during the pendency

of the Fifth Circuit's decision in *Ali v. Stephens*. Doc. No. 25. The Fifth Circuit rendered a

decision in that case, 822 F.3d 776 (5th Cir. 2016), and as a result this Court in *Burley* granted a

motion to reopen the case and lift the stay, *Burley*, Civil Action No. 6:13-cv-601-RC-KNM, Doc. No. 74. However, this case has not yet been reopened, and the stay has not yet been lifted.

Additionally, the Report and Recommendation of Magistrate Judge K. Nicole Mitchell (Doc. No. 27; *Burley*, Civil Action No. 6:13-cv-601-RC-KNM, Doc. No. 86), which contains proposed findings of fact and recommendations for Defendant's Motion for Summary Judgment (*Burley*, Civil Action No. 6:13-cv-601-RC-KNM, Doc. No. 72) has been presented for consideration. With no objections having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is therefore

**ORDERED** that this case be **RE-OPENED** and the stay be **LIFTED**. It is further

**ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED** and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

**So ORDERED and SIGNED this 19th day of May, 2017.**

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Ron Clark, United States District Judge